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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/538,040	03/29/2000	Casimir M. Kaczmarczyk	065968.0104	6127

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EXAMINER

ABELSON, RONALD B

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/538,040

Applicant(s)

KACZMARCZYK ET AL.

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-18 and 37-51 is/are allowed.
- 6) ☒ Claim(s) 19-26, 28-33, 35 and 36 is/are rejected.
- 7) ☒ Claim(s) 27 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 19-24, 26, 28-33, 35, and 36 rejected under 35 U.S.C. 102(e) as being anticipated by Elliott (US 6,614,781).

Regarding claim 19, Elliott teaches a method and apparatus for of different transport protocols (IPDC, TCP/IP, fig. 4A box 204, col. 31 lines 51-53, fig. 6C box 620, INAP/IP, col. 42 lines 60-62).

The system comprises translating the incoming signaling messages into call events (call event, col. 60 line 56 - col. 61 line 5).

The system comprises processing the call events (fig. 4C box 422 getRoute()).

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The system comprises requesting outgoing resources for establishing data sessions (allocates internal resources, col. 52 lines 57-62).

The system comprises terminating the data sessions on the requested outgoing resources (col. 5 lines 15-24).

Regarding claim 20, requesting (fig. 4C box 422 `getRoute()`) and receiving routing information (fig. 4C box 430).

Regarding claim 21, requests for and receiving address resolution to establish the data sessions (col. 52 lines 63-67).

Regarding claim 22, requesting and receiving address locations of called parties in external networks (col. 204 lines 10-15).

Regarding claim 23, processing signaling messages of a particular protocol and parsing and formatting the messages according to the protocol. Elliott teaches a particular protocol

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SS7 (fig. 4A box 208, 210). The steps of processing, parsing, and formatting are inherent.

Regarding claim 24, SS7 (fig. 4A box 208, 210).

Regarding claim 26, receiving and transmitting H.323 signaling messages (fig. 6B col. 40 lines 46-47).

Regarding claim 28, receiving and transmitting MGCP signaling messages (col. 5 lines 22-24).

Regarding claim 29, receiving and transmitting IPDC signaling messages (col. 5 lines 17-21).

Regarding claim 30, receiving and transmitting SGCP signaling messages (col. 140 lines 28-33).

Regarding claim 31, receiving and transmitting PSTN network messages (col. 18 lines 26-29).

Regarding claim 32, receiving and transmitting packet network messages (col. 4 lines 31-34).

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Regarding claim 33, receiving and transmitting wireless network messages (GSM, col. 33 lines 55-56).

Regarding claim 35, processing call events to generate records (col. 5 lines 53-56).

Regarding claim 36, verifying an incoming circuit is in a valid state (error message information, col. 59 line 64 - col. 60 line 3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott as applied to claim 19 above, and further in view of Doshi (US 6,529,499).

Although Elliott teaches IP (col. 19 lines 63-66), the reference is silent on session initiation protocol 'SIP'

Doshi teaches, in IP, session management is typically performed using SIP (col. 3 lines 19-20.

Therefore it would have been obvious to one of ordinary skill in the art, having both Elliott and Doshi before him/her and with the teachings [a] as shown by Elliott, a method and apparatus for a softswitch interconnecting networks of different transport protocols, and [b] as shown by Doshi, in IP, session management is typically performed using SIP, to be motivated to modify the system of Elliott by augmenting the signal system to support SIP. This modification can be performed in software. This would improve the system since SIP is better suited to handle IP packet switching than SS7.

Allowable Subject Matter

5. Claims 1-18 and 37-51 are allowed.
6. Claims 27 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 1, 19, Elliott teaches a method and apparatus for a softswitch (fig. 4A box 204) interconnecting networks of different transport protocols (IPDC, TCP/IP, fig. 4A box 204, col. 31 lines 51-53, fig. 6C box 620, INAP/IP, col. 42 lines 60-62).

The system comprises a signaling agent coupled to the networks and operable to receive incoming signaling messages (fig. 4B box 422 receiveMsg()), translate the incoming signaling messages to a call model event (call event, col. 60 line 56 - col. 61 line 5), and route the call model event (fig. 4C box 422 getRoute()).

Although Elliott teaches agents (col. 74 lines 16-19), none of the prior art of record teaches the limitations a call agent in communication with the signaling agent and operable to receive the call model event, request outgoing resources for establishing data sessions, generate outgoing signaling messages, and send the outgoing signaling messages to the signaling agent.

In contrast, regarding allocation of resources, Elliott teaches the gateway allocates resources and is controlled by the soft switch (col. 52 lines 57-62, col. 53 lines 12-16).

Regarding claim 27, nothing in the prior art of the record teaches or fairly suggests parsing, formatting, filtering, and routing, in combination with all the other limitations listed in the claim.

Regarding claim 34, although Ellicott teaches a protocol independent communication (PIM, col. 78 lines 47-50), nothing in the prior art of the record teaches or fairly suggests a protocol-independent logic engine for processing call events.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (703) 308-5463. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.



Ronald Abelson
Examiner
Art Unit 2666



MELVIN MARCELO
PRIMARY EXAMINER